

FILED

Case 1:07-cv-07012

Document 9

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FEBRUARY 13, 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

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DEC 13 2007 *aw*
DEC 13 2007
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

DEWITT BROWN

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

07cv7012
Judge HIBBLER
Mag. Judge NOLAN

vs.

Case No: _____
(To be supplied by the Clerk of this Court)

COUNTY OF COOK, ILLINOIS

THOMAS DART

SALVADOR GONINEZ

SCOTT KURTOVICH, and

ANDERSON

(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

CHECK ONE ONLY:

☒ **COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983**
U.S. Code (state, county, or municipal defendants)

☐ **COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE**
28 SECTION 1331 U.S. Code (federal defendants)

☐ **OTHER (cite statute, if known)**

BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.

I. Plaintiff(s):

- A. Name: DEWITT BROWN
- B. List all aliases: ---
- C. Prisoner identification number: 2007002310p
- D. Place of present confinement: COOK County Correction
- E. Address: P.O. Box 099002, Chicago Illinois 60608

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: COUNTY OF COOK
 Title: ILLINOIS
 Place of Employment: County Jail
- B. Defendant: THOMAS DART, in his individual and official capacities as
 Title: Sheriff of Cook County, Illinois
 Place of Employment: Cook County Jail
- C. Defendant: SALVADOR GONINEZ, in his individual and official capacities as
 Title: Executive Director, of the Cook County Jail
 Place of Employment: Cook County Jail

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

- A. Name DEWITT BROWN
- B. List all Aliases: _____
- C. Prisoner identification number *20070023106*
- D. Place of present Confinement Cook County Correction

Defendant(s)

In A below, Place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in third blank. Space for two additional defendants is provided in B and C.

A. Defendant Scott KUSTOVICH, in his individual and official capacities as

Title: Assistant Director, of Cook County Jail

Place of Employment Cook County Jail

B. Defendant ANDERSON, in his individual and official capacities as

Title Superintendent, of Cook County Jail

Place of Employment Cook County Jail

C. Defendant _____

Title _____

Place of Employment _____

III. Exhaustion of Administrative Remedies

You are required to exhaust all your available administrative remedies before bringing an action in federal court.

A. Is there a grievance procedure available at your institution?

YES (☒) NO () If there is no grievance procedure, skip to F.

B. Have you filed a grievance concerning the facts in this complaint?

YES (☒) NO ()

C. If your answer is YES:

1. What steps did you take?

The first Commandment

2. What was the result?

3. If the grievance was not resolved to your satisfaction, did you appeal? What was the result (if there was no procedure for appeal, so state.)

D. If your answer is NO, explain why not:

E. Is the grievance procedure now completed? YES ☒ NO ()

F. If there is no grievance procedure in the institution, did you complain to authorities? YES () NO ()

G. If your answer is YES:

1. What steps did you take?

I complained to the officials
numerous times pertaining to this problem

2. What was the result?

Usually say a works order has
been submitted

H. If your answer is NO, explain why not:

IV. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court (including the Central and Southern Districts of Illinois):

- A. Name of case and docket number: _____
- B. Approximate date of filing lawsuit: _____
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: Dewitt Brown
- D. List all defendants: _____
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): _____
- F. Name of judge to whom case was assigned: _____
- G. Basic claim made: _____
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): _____
- I. Approximate date of disposition: _____

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

V. **Statement of Claim:**

State here as briefly as possible the facts of your case. Describe precisely how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

MY Name is Dewitt Brown I am a CITIZEN OF The United STATES. And I am 39 yrs. Old. I have been incarcerated in the Cook County Jail for 7 months and housed in div. 1-B-1. Old div. 1 was built in 1929 and has fallen below all Constitutional and Professional Standards. Each Cell - House hold 86 mens, and Only One Shower. The hot water turned Cold. I heard that the Steam Come from Somewhere Else. The water always stays up in the Shower due to inadequate drain systems, and defective Plumbing which caused water to accumulate in the Shower and leak into the Ventilation System which caused Contaminated WATER to drain into the Cell houses. This place is UNFIT For human habitation. I Stayed with A Cold, I've been to the doctor Several times for illness. I made the condition known to the Officials, when they Come on the tier, and Through the Administrative GRIEVANCE Board and it Only Fell on deaf ears. The detainees is not giving Proper Protection gear to Clean the Shower. The mold and slime is building up, which caused additional health hazards to the detainees.

Who do USE the Shower. Some detainees dont use
the Shower at all? This ~~is~~ unsanitary living conditions
is UnConstitutional.

VI. Relief:

(Re: Lief)

State briefly exactly what you want the court to do for you. Make no legal arguments.
Cite no cases or statutes.

- WHEREFORE, Plaintiff respectfully prays that this Court;
- (1) Declare that the acts and omissions described herein violated Plaintiff's right under the Constitution and law of the United States.
 - (2) Enter preliminary and permanent injunctions ordering defendants COUNTY OF COOK, ILLINOIS THOMAS BART, SALVADOR GONZALEZ, SCOTT KURTOWICH, and ANDERSON to replace, and to fix whatever needed to make Cook County Jail safely to meet the Constitutional minimum requirement standards.
 - (3) Holding all the above defendants liable for compensatory damages in the amount of \$5,000 against each defendant in their individual and official capacities. Nominal and punitive damages, of 70,000, or allowed by law, against each defendant, jointly and severally. (4) Order such additional relief as this Court may deem just and proper.
- (JURY by Trial demanding)

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this Dec day of 01, 20 07

Dewitt N. Brown

(Signature of plaintiff or plaintiffs)

Dewitt N. Brown

(Print name)

20070023106

(I.D. Number)

COOK COUNTY Jail 2600
California ST P.O. Box 089002
Chicago, IL 60608

(Address)